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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JOSE RAMIREZ-SALGADO,

Petitioner,

v.

**LARRY E. SCRIBNER, WARDEN (A), ET
AL.,**

Respondent.

08-CV-0562 WQH (WMc)

**RESPONDENT'S NOTICE OF
LODGMET IN SUPPORT OF
MOTION TO DISMISS PETITION
FOR WRIT OF HABEAS CORPUS**

Judge: The Honorable
William McCurine,
Jr.

Respondent Larry Small¹, Acting Warden of the Calipatria State Prison, lodges the following documents in support of his Motion to Dismiss Petition for Writ of Habeas Corpus:

Lodgment 1	California Board of Parole Hearings Decision
Lodgment 2	San Diego County Superior Court Petition
Lodgment 3	San Diego County Superior Court Order

1. The proper named respondent in this action is Larry Small, the Acting Warden at Calipatria State Prison, where Ramirez-Salgado is incarcerated. *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994) (holding that the warden where petitioner is incarcerated is the proper respondent); Rule 2(a), 28 U.S.C. § 2254.

1 Lodgment 4 California Court of Appeal Petition
2 Lodgment 5 California Court of Appeal Order
3 Lodgment 6 California Supreme Court Petition
4 Lodgment 7 California Supreme Court Order
5 Lodgment 8 United States District Court, Southern District of California
First Amended Petition for Writ of Habeas Corpus
6 Lodgment 9 United States District Court, Southern District of California
Petition for Writ of Habeas Corpus
7 Lodgment 10 United States District Court, Southern District of California
8 April 3, 2008 Order
9

10 Dated: August 29, 2008

11 Respectfully submitted,

12 EDMUND G. BROWN JR.
Attorney General of the State of California

13 DANE R. GILLETTE
Chief Assistant Attorney General

14 JULIE L. GARLAND
Senior Assistant Attorney General

15 JESSICA N. BLONIEN
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16

17 /s/ Jacqueline Mai

18 JACQUELINE MAI
19 Deputy Attorney General
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20

21 JM/scb

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Ramirez-Salgado v. Scribner**

No.: **08-CV-0562 WQH (WMe)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 29, 2008, I served the attached **RESPONDENT'S NOTICE OF LODGMENT IN SUPPORT OF MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

JOSE RAMIREZ-SALGADO
CDC #C11124
CALIPATRIA STATE PRISON
P.O. BOX 5001
CALIPATRIA, CA 92233-5001

IN PRO PER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 29, 2008, at San Diego, California.

S. Banks

Declarant



Signature